

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FRANKLIN BIRL WEEKLY,

Plaintiff,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

Case No. 1:22-cv-00341-JLT-SAB

ORDER DIRECTING THE CLERK OF THE
COURT TO TERMINATE DEFENDANTS
CITY OF FRESNO AND COUNTY OF
FRESNO AS DEFENDANTS IN THIS
ACTION

(ECF No. 13)

On June 15, 2022, Plaintiff filed a notice of dismissal of Defendants City of Fresno and County of Fresno, pursuant to Federal Rule of Civil Procedure 41(a). (ECF No. 13.) Defendants United States of American ad the California Department of Public Health are not addressed in the filing. Rule 41(a) of the Federal Rules of Civil Procedure allows a party to dismiss some or all of the defendants in an action through a Rule 41(a) notice. Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir. 1997); see also Concha v. London, 62 F.3d 1493, 1506 (9th Cir. 1995) (“The plaintiff may dismiss either some or all of the defendants—or some or all of his claims—through a Rule 41(a)(1) notice.”); but see Hells Canyon Pres. Council v. U.S. Forest Serv., 403 F.3d 683, 687 (9th Cir. 2005) (The Ninth Circuit has “only extended the rule to allow the dismissal of all claims against one defendant, so that a defendant may be dismissed from the entire action.”). “Filing a notice of voluntary dismissal with the court automatically terminates the action as to the defendants who are the subjects of the notice.” Concha, 62 F.3d at 1506.

1 Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court is DIRECTED to
2 terminate Defendants City of Fresno, and County of Fresno, as parties in this action.

3
4 IT IS SO ORDERED.

5 Dated: June 16, 2022


UNITED STATES MAGISTRATE JUDGE